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Cabinet Member for Housing and Communities

29 June 2022

**Name of Cabinet Member:**

Cabinet Member for Housing and Communities – Councillor D Welsh

**Director Approving Submission of the report:**

Director of Streetscene and Regulatory Services

**Ward(s) affected:**

All

**Title:**

Consultation on the Draft Biodiversity Net Gain Supplementary Planning Document

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**Is this a key decision?**

No.

Although the matters within the report affect all wards in the city, it is not anticipated that the impact will be significant

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**Executive Summary:**

This report seeks authority to consult for a six-week period on the draft Biodiversity Net Gain Supplementary Planning Document (SPD)

SPDs add further detail to the policies in the development plan but cannot introduce new policy. SPDs provide additional guidance for development and are capable of being a material consideration when making decisions on planning applications.

The purpose of the Biodiversity Net Gain SPD is to set out the Council's approach towards achieving Biodiversity Net Gain (BNG) from any new development. BNG is achieved when a development leads to an overall increase biodiversity relative to the site beforehand. The Biodiversity Net Gain SPD sets out how this can be achieved in Coventry using established methods.

The SPD is designed to assist prospective developers and applicants by providing guidance on how proposals can demonstrate they have met the requirements of planning policy related to biodiversity net gain in Coventry. By providing this information upfront Coventry City Council intends to provide additional clarity in the development process and ensure that negotiating obligations is based on a clear and consistent approach.

Responses to the consultation will be analysed and taken account of when considering amendments which may be required. The proposed final version will be submitted to Cabinet for adoption.

**Recommendations:**

The Cabinet Member is recommended to

1. Authorise a six week public consultation on the draft Biodiversity Net Gain Supplementary Planning Document.

**List of Appendices included:**

Appendix 1 - Draft Biodiversity Net Gain Supplementary Planning Document.

Appendix 2 - Strategic Environmental Assessment Screening Report

Appendix 3 - Equalities Impact Assessment

**Background papers:**

None.

**Other useful documents:**

Local Plan: adopted December 2017

National Planning Policy Framework July 2021

**Has it been or will it be considered by Scrutiny?**

No. However the Communities and Neighbourhoods Scrutiny Board (4) will consider the draft supplementary planning document as part of the consultation process at their meeting on the 7<sup>th</sup> July 2022

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No.

**Will this report go to Council?**

No.

## Report title: Draft Open Space Supplementary Planning Document

### 1. Context (or background)

- 1.1 The National Planning Policy Framework (NPPF) defines Supplementary Planning Documents (SPDs) as '*documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues.... Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan*'.
- 1.2 Requiring developers to take account of biodiversity matters is a requirement of Policy GE1 (Green Infrastructure), Policy GE3 (Biodiversity, Geological, Landscape and Archaeological Conservation) and Policy DS4 (Part A: General Masterplan principles) of the adopted Coventry Local Plan.
- 1.3 The SPD is designed to assist prospective developers and applicants by providing guidance on how proposals can demonstrate they have met the requirements of planning policy related to Biodiversity Net Gain in Coventry. By providing this information upfront Coventry City Council intends to provide additional clarity in the development process and ensure that negotiating obligations is based on a clear and consistent approach. This is especially timely given the recent ascent granted the Environment Act 2021.
- 1.4 Regulations 11 to 16 of The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing SPDs. This includes a minimum statutory public consultation period of four weeks: the Council's recently adopted Statement of Community Involvement however sets out a local standard that SPDs should be consulted on for six weeks, therefore this will be adhered to.
- 1.5 It is also a legal requirement, as set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), to consider whether or not Strategic Environmental Assessment (SEA) of the SPD should be undertaken. The process for determining whether or not an SEA is required is called screening. This is to determine whether a plan will have significant environmental effects. The screening opinion undertaken is attached at Appendix 2 of the report. This concludes that no SEA is needed as the SPD elaborates on existing policy. This screening report must be consulted on so that three statutory bodies (Historic England, Natural England and the Environment Agency) can respond. It makes sense to make the screening report publicly available for comment at the same time as the SPD is being consulted on.
- 1.6 Finally, an Equalities Impact Assessment (EIA) has been undertaken, this is attached at Appendix 3 to this report and this will also form part of the public consultation: see also paragraph 6.4 of this report.
- 1.7 Responses will be analysed and the SPD amended accordingly, before submitting to Cabinet for final adoption. In line with the legislation, the Cabinet report will include a statement setting out the details of the consultation, a summary of the main issues raised and how they have been addressed.

### 2. Options considered and recommended proposal

- 2.1 The Cabinet Member may wish for the Council to rely upon the current Local Plan policies along with the National Planning Policy Framework. However, this approach

does not provide the detail needed to give developers, officers and decision makers the clarity and consistency which is needed. This option is not recommended

- 2.2 The recommendation is to undertake a consultation on a new Biodiversity Net Gain SPD, as per Appendix 1 to the report, along with the Strategic Environmental Assessment Screening report at Appendix 2 to the report and the Equalities Impact Assessment at Appendix 3 to the report. This approach is recommended in order to give developers, officers and decision makers the clarity and consistency which is needed. This will accurately reflect the adopted Local Plan and national policy and ensure delivery in accordance with local need.

### **3 Results of consultation undertaken**

- 3.1 No consultation has yet been undertaken as part of this report. However, the aim of the report is to ensure consultation takes place on the draft document.

### **4 Timetable for implementing this decision**

- 4.1 Consultation will take place for six weeks during July and August. Amendments will be considered and analysed. It is intended that a report will then be taken to Cabinet seeking adoption of the SPD in accordance with the timescales set out in the adopted Local Development Scheme (the timetable for producing the Local Plan and SPDs which was adopted in February 2022).

### **5 Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance**

#### **5.1 Financial implications**

There are no financial implications associated with this report.

#### **5.2 Legal implications**

- 5.1 There are no direct implications as a result of this report. Regulations 11 to 16 of The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing SPDs. The Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) also require the Council to consider whether or not a Strategic Environmental Assessment (SEA) of the SPD should be undertaken.

### **6 Other implications**

#### **6.1 How will this contribute to achievement of the Council's Plan?**

Planning policy documents and planning applications help deliver the aims and objectives of the One Coventry Corporate Plan by determining the type and quantum of development needed, where this should be located, areas which should be protected, enhanced or improved and the infrastructure which should be provided. In line with the Corporate Plan, this document focuses upon supporting local communities creating an attractive, cleaner and greener city which will also improve health and wellbeing.

#### **6.2 How is risk being managed?**

There are no risks associated with this report.

### 6.3 What is the impact on the organisation?

No direct impact.

### 6.4 Equalities Impact Assessment EIA

A full Equality and Impact Assessment (EIA) was undertaken as part of developing the Local Plan. As part of that analysis, the Council had due regard to its public sector equality duty under section 149 of the Equality Act (2010). The Supplementary Planning Document elaborates on Local Plan policy and so a further EIA has been undertaken (Appendix 3)

### 6.5 Implications for (or impact on) climate change and the environment

This is an elaboration of Local Plan policy relating to the delivery of sustainable development through the delivery of biodiversity gain and, whilst it does not introduce new policy, it will assist in ensuring that developers make appropriate provision for biodiversity through their planning applications.

### 6.6 Implications for partner organisations?

The Supplementary Planning Document will provide further detail to the adopted Local Plan policy which will assist those organisations involved in the delivery of projects relating to biodiversity.

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